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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,146	07/03/2003	Joel Ovil	62692.00002	6858

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EXAMINER

SPOONER, LAMONT M

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,146

Applicant(s)

OVIL ET AL.

Examiner

Lamont M. Spooner

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 39-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 39-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The current office action is in response to applicant's amendment filed 9/16/07. Claims 1-27 and 39-53 are currently pending and have been examined. Claims

Response to Arguments

2. Applicant's arguments filed 9/16/07 have been fully considered but they are not persuasive.

3. In response to applicant's arguments regarding 35 USC 102 rejections, "Applicants would like to point out to the Examiner that the cited reference fails to teach or suggest the above state limitations of '...determining at least one alternate text portion based on a dynamic profile'... More specifically, Volcani Fig. 3 teaches "a table showing the content of a vocabulary database according to the present invention" wherein the event of a negative answer to the question "is current word present in vocabulary dbase 134?" (Volcani Fig. 3 step S4), the program, directly and inevitable proceeds to "get next text word from WP text dbase

132 as current word" (Volcani Fig. 3 step S#) with no modifications or updating being performed to the database." The Examiner notes in the cited portion, the Volcani proceeds a next word based on stipulations to a current word, however, this step does not encompass Volcani's invention entirely. His invention is not static, his database and authors profile is/are not static, they are changing, dynamic, growing, etc. (paragraph [0078, 0082]-thus providing a dynamic profile, ever changing, and sufficient to be applied to the claims as evident in the rejection below.

4. In response to applicant's amendments the 35 USC 112 rejection has been withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1-10, and 14-23, 27, 40, and 43-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Volcani et al.(Volcani, US 2003/0212655).

As per claims 1, 14, and 27, Volcani teaches a method for language enhancement, comprising: receiving text (p.5 para. 0059);

identifying grammatical constructs within the text (p.8.para.0090-inherent to determining noun, verb, replacements or grouping); and

enhancing the received text by determining at least one alternate text portion based on a dynamic profile for at least one original portion of the text (Fig. 6-advantages, benefits, qualities, paragraph [0078, 0082]-as his dynamic profile resulting in alternate text, author selected types as a profile), the alternate text portion being consistent with the grammatical constructs of the original portion and having substantially the same meaning as the original portion but conveying a different impression (p.8.para.0090-noun/verb, etc. correspondence, Fig. 11-item 140-his alternate text portions, as grammatically consistent , Fig. 6-his ranking spectrum as the different impression).

As per claim 2 and 15, Volcani further teaches the method of claim 1 wherein the alternate text portion, when substituted for the original portion

generates grammatically correct text (p.8.para.0096, Fig. 11-"Which is why the hate crimes Bill earns careful thought like all laws do..."-as grammatically correct).

As per claim 3 and 16, Volcani further teaches the method of claim 1 wherein the alternate text portion includes at least one adjective for a noun from the original portion (Fig. 9, spotless, for "clean as a whistle").

As per claim 4 and 17, Volcani further teaches the method of claim 1 wherein the alternate text portion includes at least one synonym for an idiom from the original portion (Fig. 9, spotless, for "clean as a whistle").

As per claim 5 and 18, Volcani further teaches the method of claim 1 wherein the alternate text portion includes at least one idiom for the original portion (Fig. 5 "clean as a whistle" for "spotless", p.9.para 0100).

As per claim 6 and 19, Volcani further teaches the method of claim 1 wherein the alternate text portion includes at least one adverb for a verb from the original portion (Fig. 8, "Frequently" for "Once in a blue moon").

As per claim 7 and 20, Volcani further teaches the method of claim 1 wherein the original portion of text is a single word (Fig. 1, consideration/thought, p.10.para.0116).

As per claim 8 and 21, Volcani further teaches the method of claim 1 wherein the original portion of text is a clause (Fig. 8, "clean as a whistle", Fig. 9).

As per claim 9 and 22, Volcani further teaches the method of claim 1 wherein the original portion of text is an idiom (ibid).

As per claim 10 and 23, Volcani further teaches the method of claim 1 wherein the alternate text portion is compliant with a selected dynamic profile (Fig. 9, his reading level as the style, see claim 1 dynamic profile discussion).

As per claim 39, Volcani teaches 39 a web service comprising (p.5.para.0067): receiving a request including one or more sentences of natural language text (Fig. 2);

deriving at least one suggestion for enhancing the one or more sentences based on a dynamic profile (see claim 1 dynamic profile discussion), the at least one suggestion conveying a different impression but retaining substantially the same meaning (see claim 1); and

returning a response including the at least one suggestion (Fig. 2, see claim 1, Fig. 6).

As per claim 40, Volcani teaches the web service of claim 39 wherein the at least one suggestion is encoded using a first parameter to designate a word position within a sentence, a second parameter to designate an action, a third parameter to designate a priority, and a fourth parameter to designate at least one word (Fig. 6, encoding inherent to replacing the correct word in the correct location, the action "replace", "merit" as his designated word, ranking level as priority, p.2.para.0013).

As per claim 43, Volcani further teaches the web service of claim 40 wherein the fourth parameter is a reference to at least one word residing within a dictionary of words (see claim 1, Fig. 2 item 234).

As per claim 44, Volcani further teaches the web service of claim 43 wherein the dictionary of words resides in a dictionary serve computer (ibid).

As per claim 45, Volcani further teaches the web service of claim 39 wherein the at least one suggestion is ranked according to a usage frequency (p.2.para 0013).

As per claim 46, Volcani further teaches the web service of claim 39 wherein possible suggestions include replacement of a key word within a

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sentence with an idiom (Fig. 8, "spotless" and "clean as a whistle", see claim 5).

As per claim 47, Volcani further teaches the web service of claim 46 wherein the idiom has a similar meaning as the key word (ibid, synonyms).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 11-13, 24-26, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volcani.

9. As per claims 11-13, and 24-26, Volcani teaches claim 10, but lacks explicitly teaching the selected dynamic profile is legal, scientific, and medical. However, the Examiner notes (currently as admitted prior art, see previous rejection) that different profiles of documents were well known in the art at the time of the invention. Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify

Volcani's style with a dynamic profile catering to the users document, providing the benefit of catering to the users style of word usage.

As per claim 41 Volcani further teaches the web service of claim 40, and further teaches possible action of replace, but lacks wherein possible actions include, delete, insert, before and insert after. However the Examiner notes (now as admitted prior art, see previous rejection) that deletion, insert after, insert before were well known in the art at the time of the invention (word processing, document editing). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify Volcani's replace feature to include delete, insert after, insert before, providing the benefit of allowing the user to place/delete a word in a user desired location.

10. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Volcani, as applied to claim 40 above, in view of Pickover et al.(US 2003/0130898).

Volcani and Pickover are analogous art in that they involve web services.

As per claim 42, Volcani teaches the web service of claim 40, but lacks wherein possible priorities include must, recommended and optional.

However, Pickover teaches having possible priorities including must, recommended and optional (p.5.para.65). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify Volcani's action with the priority of an web service action, providing the benefit of a desirability attribute associated with an action.

11. Claim 48-52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Volcani, as applied to claim 46 above, in view of Kinder (US 2003/0212541).

As per claims 48-52, Volcani lacks explicitly teaching, modification of text associated with the keyword includes deletion of an adverb preceding the key word, deletion of an adjective preceding the key word, deletion of a preposition preceding the key word, deletion of a verb preceding the key word. However, Kinder teaches these lacking limitations (Fig. 14-Fig 17, Fig. 23). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify Volcani's enhancement of text with modification of text associated with the key word, providing the benefit of enhancing readability.

12. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Volcani, as applied to claim 46 above, in view of Anderson (US 5,678,053).

As per claim 53, Volcani teaches the web service of claim 46, but lacks wherein possible suggestions include insertion of a connecting verb before the idiom. However, Anderson teaches wherein possible suggestions include insertion... (Fig. 5). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify Volcani's enhanced sentence with suggesting adding of a connecting verb, providing the benefit of a grammatically correct output.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

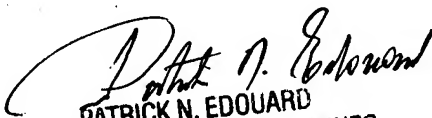
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final

action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571/272-76033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER

lms
10/22/07